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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,695	10/31/2003	Cavelle P. Benjamin IV	839-1247	9810
30024	7590	11/17/2005	EXAMINER	
NIXON & VANDERHYE P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			WEST, JEFFREY R	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/697,695

Applicant(s)

BENJAMIN ET AL.

Examiner

Jeffrey R. West

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 October 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-38, 40 and 41.

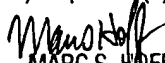
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☒ Other: See Continuation Sheet.


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2857

Continuation of 11:

Applicant argues, "As also noted in the Amendment filed on May 11, 2005, the paragraphs cited by the Examiner to support his contention regarding the teachings of Horn, i.e., 0002-0004 and 0034, do not, in fact, pertain to power generation equipment. Rather, such paragraphs discuss assessing boiling water reactor plant parameters and performance and maintaining a historical database of such parameter and performance data that is used to assess reactor performance and predict reactor behavior. In any event, clearly the portion of Horn cited by the Examiner does not disclose or suggest the use of a plurality of coaching tools that are displayed at either an on-site monitor or a remote management system to assist either operators located at the on-site monitor to respond to time-critical predefined events occurring in the power generation equipment in a timeframe that is expedited or operators of the remote management system to respond to a non-time-critical predefined event in the power generation equipment in a timeframe that is not expedited."

The Examiner first asserts that Horn's teaching of monitoring the operation of boiling water nuclear reactor plants does relate to power generation equipment since boiling water nuclear reactor plants are used in power generation. The Examiner also asserts that the cited portions of Horn are not included to teach the features of coaching tools since these features are taught by Reid.

Applicant then argues Reid's teaching that "Each local expert can also optionally connect to a central monitoring location via a dial-up network or Internet, for example, and automatically replicate its data within its database into a central monitoring location database, such that the data is available for review at the central monitoring location. The central monitoring location can remotely control the local expert to perform special testing and analysis in real time so that 'someone at the central monitoring location . . . (can) look effectively 'under the hood' of the particular machines within the network without necessitating sending personnel directly to the site.' See Reid, col. 3, Ins. 56 - 65 (Emphasis added).. Clearly, then, this arrangement is also different from the claimed invention described in independent claims 1, 18, 34 and 40, wherein the on-site monitor/first analyzing means and the remote management system/second analyzing means display coaching tools that are used either by persons at the on-site location to decide how to respond to time-critical predefined events occurring in the monitored power generation equipment or by persons at the remote location to decide how to respond to non-time-critical predefined events occurring in such equipment."

The Examiner asserts that just because Reid states that the central monitoring does not necessitate sending personnel directly to the site, does not mean that coaching tools are not displayed and used by persons at the on-site location.

Specifically, Reid states:

"Human experts at the central monitoring location 34 can therefore view the data obtained by the local experts 16 from a particular machine, cause the local expert to do additional testing, etc. These human experts can then replicate the data back to the local experts 16 and attach any comments or recommendations they have based on their analysis. The local experts 16 are configured to display such data and comments to facilitate the actions of on-site personnel"(column 7, line 62 to column 8, line 2).

"The expert system 76 also includes a maintenance manager 84 for facilitating maintenance of a given machine 14. In the referred embodiment, the maintenance manager 84 includes in memory details relating to the maintenance and repair of the particular machines 14 coupled to the local expert 16. Such details may be stored in the local expert 16 as part of the system initialization. For example, the maintenance manager 84 may include a list of parts which are subject to wear in connection with each machine 14. Such parts may include bearings, sleeves, rotors, etc. In the event the expert analyzer 80 detects that a part is failing (e.g., a bearing is exhibiting wear), the maintenance manager 84 can look to a look-up table in memory within the local expert 16 and identify the particular part (e.g., bearing size, part number, etc.). This information can then be transmitted by the local expert 16 to the appropriate personnel via an email, page, etc. to notify them of the need for a part to facilitate advance procurement. Furthermore, the maintenance manager 84 includes within a look-up table in memory details regarding the repair of different types of failures in the machines 14. For example, the maintenance manager 84 draws from such information and automatically provides details to a user on how to replace a bearing which is worn or has failed via the display 54. Such information may include drawings, instructions, etc. which are shown on the display 54. In addition, or in the alternative, such information is attached to an email message notifying the appropriate personnel of the problem with the machine 14" (column 9, line 44 to column 10, line 4).

As can be seen, these sections of Reid indicate that the local system does display coaching tools to personnel at the on-site location.

The Examiner also notes that the limitations of claim 1 specifying "the coaching tools being displayed at the on-site monitor to assist operators located at the on-site monitor of to respond to a time-critical predefined event occurring in the power generation equipment in an expedited timeframe, the coaching tools being displayed at the remote management system to allow members of the remote management system to respond to a non-time-critical predefined event in a timeframe that is not expedited" can be met by a reference describing coaching tools displayed to personnel at on-site and remote locations in response to events without specifying any "time-critical" aspects. This is because a displaying coaching tools in response to an event to personnel on-site allows the personnel to respond to the event whether the event is time-critical or not-time critical. Similarly, displaying coaching tools in response to an event to personnel remotely allows the personnel to respond to the event whether the event is time-critical or not-time-critical.

Continuation of 13: Applicants amendments have not corrected the following claim objection: In claim 18, line 27, "the of coaching" should be ---the coaching---.